

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Zachary Herman	Team: Squad #12	CCRB Case #: 201901006	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 01/28/2019 7:50 AM	Location of Incident: § 87(2)(b) § 87(2)(b)	Precinct: 75	18 Mo. SOL 7/28/2020	EO SOL 3/14/2021	
Date/Time CV Reported Sun, 02/03/2019 10:53 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 02/03/2019 10:53 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Thomas Napolitano	3282	940682	BKROBSQ

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. Officers			WARRSEC

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Thomas Napolitano	Abuse: Detective Thomas Napolitano entered § 87(2)(b) in Brooklyn.	§ 87(2)(b)
B.DT3 Thomas Napolitano	Abuse: Detective Thomas Napolitano searched § 87(2)(b) in Brooklyn.	§ 87(2)(b)

### Case Summary

On February 3, 2019, § 87(2)(b) filed this complaint with the CCRB via the on-line website.

On January 28, 2019, at approximately 7:50 a.m., Detective Thomas Napolitano and other members of the Warrants Section went to the § 87(2)(b) in Brooklyn. They spoke with resident § 87(2)(b) and said that they had a warrant for § 87(2)(b) § 87(2)(b) allowed the officers to enter his house (**Allegations A and B: Abuse of Authority**, § 87(2)(g) Det. Napolitano and his team searched the house. After conducting the search, the officers left without making any arrests.

No video footage was recovered in the course of this investigation. Officers assigned to the warrant squad were not assigned body-worn cameras at the time of the incident.

### Findings and Recommendations

**Allegation (A) Abuse of Authority: Detective Thomas Napolitano entered** § 87(2)(b) **in Brooklyn.**

**Allegation (B) Abuse of Authority: Detective Thomas Napolitano searched** § 87(2)(b) **in Brooklyn.**

It is undisputed that on January 28, 2019, at 7:50 a.m., at § 87(2)(b) § 87(2)(b) in Brooklyn, Det. Napolitano and the other members of his team entered and search that location. It is also undisputed that § 87(2)(b) gestured to officers to grant them entry into his apartment.

In his statement to the CCRB, § 87(2)(b) testified that at the time of incident, he was inside his apartment, which is the first floor of § 87(2)(b) § 87(2)(b) is the owner of § 87(2)(b) which is a multi-story and multi-unit residence. At approximately 8:00 a.m., he heard a knock at his apartment door. He opened his front door and observed Det. Napolitano, and other officers in the exterior hallway outside his door. PO Napolitano told § 87(2)(b) that they were looking for § 87(2)(b) and asked if § 87(2)(b) § 87(2)(b) lived at the location. § 87(2)(b) responded that § 87(2)(b) did not live there. § 87(2)(b) asked Det. Napolitano to see a warrant. Det. Napolitano showed § 87(2)(b) a document he believed to be a warrant. An unidentified officer asked § 87(2)(b) if the officers could enter the house. § 87(2)(b) felt that the officers would enter even if he refused, so he opened the door and gestured to the officers to come inside. Det. Napolitano and the unidentified officer entered § 87(2)(b) apartment. The two officers looked around in each room in § 87(2)(b) apartment, but did not open any compartments or look anywhere a person could not fit. The two officers asked if § 87(2)(b) had a basement, which he did. He opened the door to the basement for the officers, but did not accompany them into the room. After a short period of time, § 87(2)(b) did not recall how long, Det. Napolitano and the unidentified officer returned from his basement (BR01).



**Civilian and Officer CCRB Histories**

- This is the first CCRB complaint § 87(2)(b) has been a party to (BR10).
- Det. Napolitano has been a member of service for 13 years and has been a subject in 17 CCRB complaints and 34 allegations, of which four were substantiated.
  - Case No. 201010420 involved a substantiated allegation of force. Det. Napolitano was found not guilty by APU.
  - Case No. 201609591 involved a substantiated allegation of a premises entered or searched. The Board recommended command level instructions and the NYPD imposed formalized training.
  - Case No. 201701615 involved substantiated allegations of force – gun pointed and abuse of authority – premises entered or searched. The Board recommended command discipline A and the NYPD made a ruling of Department Unable to Prosecute, and therefore did not impose discipline.
  - Det. Napolitano's CCRB history shows contains 2 search allegations and seven entry allegations.

**Mediation, Civil and Criminal Histories**

- § 87(2)(b) rejected mediation in the course of providing his in-person statement.
- § 87(2)(b)
- As of October 23, 2019, the New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (BR11).

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Squad No.: 12

Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_

Signature

Print Title & Name

Date